

Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Chiropractors
1000 Washington Street
Boston, MA 02118

APRIL 5, 2018

A regularly scheduled meeting of the Massachusetts Board of Registration of Chiropractors (the Board) was held at 50 Maple Street in Milford, Massachusetts.

Dr. Shilts noted a quorum of members present, and the meeting was called to order at 10:07 a.m.

MEMBERS PRESENT:

Dr. Kirk Shilts, Chair
Dr. Glenn Dodes, Vice Chair
Dr. Scott Storozuk, Secretary
Ms. Barbara Bush, Public Member-left meeting at 1:09 PM
Dr. Candace Maddalo, Member
Dr. Peter Martone, Member

STAFF PRESENT at Various Times:

Brian Bialas, Board Executive Director
Richard Lawless, Board Associate Executive Director
Sheila York, Esq., Board Legal Counsel
Alan VanTassel, Office of Investigations
Ellen D'Agostino, Office of Investigations
James Read, Chief Prosecutor

Evacuation procedures were reviewed by Mr. Bialas.

CHAIRMAN'S MESSAGE:

Dr. Shilts discussed Dr. Joanne Cancro's recent resignation from the Board and her reasons related to ongoing commitments for doing so.

AGENDA:

Dr. Shilts reviewed the draft agenda with the Board. The Board decided to move the Conflict of Interest Reminder topic to the Legal Report, and to add a Public Comment period at the end of the meeting.

Thereafter, a Motion was made by Dr. Dodes, seconded by Dr. Martone and VOTED (unanimous);
to approve the meeting's agenda as amended.

PAST MEETING MINUTES:

The Board reviewed the draft meeting minutes of February 1, 2018. Dr. Shilts proposed changes to the minutes. Atty. York noted that a NPDB report reviewed in closed investigatory session should not be listed as a document used in the public session.

Thereafter, a Motion was made by Dr. Storozuk, seconded by Dr. Martone and VOTED (unanimous);
to approve the public meeting minutes of February 1, 2018 as amended.

TRAVEL REIMBURSEMENT FORMS

Travel reimbursement forms for board meetings should be submitted to Mr. Lawless on a quarterly basis. Travel request forms for outside meetings should be submitted well in advance of the planned meeting.

MAY AND JULY MEETING DATES:

The Board discussed the May and July meeting dates. The Board proposed moving the May meeting to May 10th to accommodate the FCLB & NBCE annual meetings and canceling the July 5th meeting.

Thereafter, a Motion was made by Dr. Shilts, seconded by Dr. Dodes and VOTED (unanimous); **to move the May meeting to May 10th and to cancel July's meeting.**

OPEN CASES: [*Closed Session: G.L. c. 112, s. 65C*]

The Board prepared to discuss investigative matters.

Thereafter, a Motion was made by Dr. Martone, seconded by Dr. Dodes, and VOTED (unanimous); **to enter into Closed Session under G.L. c. 112, s. 65C at 10:23 a.m. for the purpose of discussing open investigatory matters.**

Open Session Resumed at 12:07 p.m.

During Closed Session the Board took the following actions:

- **AIB Report Update:** Direction was given to staff.
- **2017-000984-IT-ENF [MG], Interview:** Dismissed. (Dr. Dodes and Dr. Martone were recused from any discussion of this case and left the room.)
- **2017-001317-IT-ENF [JD]:** Dismissed.
- **2017-001482-IT-ENF [SB]:** Postponed until the May meeting. (Dr. Maddalo was recused from any discussion of this case and left the room.)
- **2017-001517-IT-ENF [BS]:** Dismissed.
- **2018-000228-IT-ENF [EO]:** Staff provided the Board with an update. No action was taken. (Dr. Maddalo was recused from any discussion of this case and left the room.)
- **2.27.18-National Practitioner Data Bank Medical Malpractice Payment Report** Received. No action was taken.

LEGAL REPORT:

Attorney York discussed the following matters with the Board:

- **Conflict of Interest Reminder:**
Atty. York reviewed the requirements of the state ethics law and how members should handle any concerns regarding conflicts of interests and the appearance of a conflict of interest.
- **Patient Record Regulations Update:**
The proposed changes to the Board's patient record regulations are pending review by DPL.

- **New Licensee Interview Policy Update:**
The policy is being reviewed by DPL.

CHIROPRACTOR OF RECORD INTERVIEW:

Dr. Frederick Chassman for Roslindale Center Chiropractic was interviewed by the Board.

Thereafter, motion was made by Dr. Dodes, seconded by Dr. Martone, and VOTED (unanimous):
to approve Dr. Chassman as the Chiropractor of Record for Roslindale Center Chiropractic.

CASE MONITORING:

The Board discussed the following case monitoring report:

- **20060926CH044-IT-ENF [JG], 10th Quarterly Monitoring Report and Corrections Letter:**

Thereafter, a Motion was made by Dr. Shilts, seconded by Dr. Dodes, and VOTED (unanimous);
to accept the 10th Quarterly Monitoring Report dated 3/3/18, and to accept the 10th Monitoring Report Corrections Letter dated 3/26/18.

LICENSE REINSTATEMENTS:

The Board reviewed the following requests for reinstatement of licensure:

- **Dr. Teri Payton:**

Staff explained that Dr. Payton needs 108 continuing education credits to reinstate. Dr. Maddalo reviewed the CE submissions and confirmed that the licensee has the necessary credits.

Thereafter, a Motion was made by Dr. Maddalo, seconded by Dr. Dodes, and VOTED (unanimous);
to accept the submitted 108 hours of CE credits and allow Dr. Payton to move forward with reinstatement of her Massachusetts license .

- **Dr. Ronald Tebo:**

The Board reviewed Dr. Tebo's continuing education credits and determined that more information is needed before he can reinstate. The Board gave direction to staff in contacting Dr. Tebo.

CORRESPONDENCE:

The Board reviewed the following correspondence:

- **3.7.18 Email from F. Baxter about Craniosacral Therapy:**
Direction was given to staff to respond that such therapy is within the scope but the Board does not issue separate licenses or certificates in sub-specialties.
- **3.7.18 Email from E. Vinnikov about CCE Reciprocity With CCE-Canada:**
Direction was given to staff to respond that current law and regulations require a degree from a school accredited by the CCE-US and there are no current plans to change these legal requirements.
- **2018 Spring Report to Massachusetts Chiropractic Society:**
The Board reviewed the report that was sent to the Massachusetts Chiropractic Society.

- **3.1.18 Letter from M. Davini about Telemedicine:** The Board directed staff to seek further written clarification from Dr. Davini.

DISCUSSION:

The Board discussed the following topics:

- **DPL Website Update:**
Mr. Bialas provided the board with an update on the status of our website. The Board requested that staff periodically post a “discipline report” like what was on the old website.

Ms. Bush left the meeting at 1:09 p.m.

- **CE Provider Approval Criteria Policy:**
Direction was given to the staff to amend the Policy Guideline on Continuing Education Courses to include criteria for state association providers. It was determined that no preapproval is needed for CE providers.
- **Continuing Education Requirement for First-Year Licensees:**
Direction was given to staff to add language to the Policy Guideline on Continuing Education Courses clarifying that first-year licensees are not required to obtain 12 continuing education credits.
- **NBCE Part IV Exam Administration, Spring 2018:**
The Board has no current participant examiner.

PUBLIC COMMENT PERIOD:

Dr. Shilts opened the meeting for public comments and questions.

- Dr. Thomas Sullivan spoke about continuing education course topics.
- Atty. Jennifer Herlihy spoke about patient record inspections.

TOPICS NOT REASONABLY ANTICIPATED:

Dr. G.A. appeared before the Board to discuss his request to serve as the Chiropractor of Record of a Chiropractic Facility. Atty. York noted that the Board would be discussing the licensee’s character as well as material that must be held confidential under state law.

Thereafter, a Motion was made by Dr. Shilts, seconded by Dr. Dodes, and VOTED (unanimous) by roll call vote;

to suspend the open meeting and enter into Executive Session at 1:45 PM for the purpose of discussing the character rather than professional competence of a licensee pursuant to GL c. 30A, s.21(a)(1) and pursuant to G.L. c. 30A, s. 21(a)(7) for the purpose of complying with or exercising the Board’s authority under G.L. C. 66, § 10; G.L. c. 4 § 7 para. 26(a) & (c) and G.L. c. 6, s. 172.

Members in favor: Dr. Shilts, Dr. Dodes, Dr. Storozuk, Dr. Maddalo, and Dr. Martone. Members opposed: none.

The Chair estimated that the public session would resume in 15 minutes.

Open session resumed at 2:02 PM.

ADJOURNMENT:

Dr. Shilts noted there were no more agenda items.

Thereafter, a Motion was made by Dr. Martone, seconded by Dr. Maddalo, and VOTED (unanimous);
to adjourn the April 5, 2018 public meeting at 2:02 PM

*The above minutes were approved during the open meeting of the Board held on May 10, 2018.



Brian Bialas, Executive Director
Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Meeting Agenda for 4/5/18*
- *Draft minutes of the 2/1/18 public meeting*
- *233 CMR 2.00 and 233 CMR 5.00 draft regulation changes*
- *19970606CH125-IT-ENF, Consent Agreement*
- *Documents from F. Chassman, D.C., regarding Chiropractor of Record approval*
- *20060926CH044-IT-ENF [JG], 10th Quarterly Monitoring Report (3/3/18)*
- *20060926CH044-IT-ENF [JG], 10th Quarterly Monitoring Report Corrections Letter (3/26/18)*
- *3.1.18 Letters from M. Davini, D.C., regarding Telemedicine*
- *3.7.18 Email from F. Baxter regarding Craniosacral Therapy*
- *3.7.18 Email from E. Vinnikov, regarding CCE Reciprocity with Canada*
- *Spring Report to the Massachusetts Chiropractic Society*
- *Documents from K. Shilts, D.C., regarding criteria for continuing education course sponsor approval*